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EXAMINER
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SHELEHEDA, JAMES R

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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09/15/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/882,702	<b>Applicant(s)</b> IVEHAMMAR, STEFAN	
	<b>Examiner</b> JAMES SHELEHEDA	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24, 28-32 and 37-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24, 28-32 and 37-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. In view of the Appeal Brief filed on 06/25/08, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Chris Kelley/

Supervisory Patent Examiner, Art Unit 2623

2. Applicant's arguments with respect to Collings have been considered but are moot in view of the new ground(s) of rejection under Helmy et al. (Helmy) (5,937,329).

3. Applicant's arguments with respect to "highlighting" in claim 6 have been fully considered but they are not persuasive.

Applicant argues that Macrae fails to disclose "highlighting the link information" as the graphical icon is disclosed as being placed in an unobtrusive portion of the television monitor.

In response, it is noted that Macrae explicitly discloses wherein the user will select the graphical icon by placing a cursor over it (see Fig. 2, 108; page 10, lines 1-3). Thus, the link information is "highlighted" by cursor, 108. Therefore, applicant's arguments are not convincing.

Furthermore, Macrae discloses presenting the graphical icon displayed to *indicate* and *alert* the viewer that additional information is present (page 9, lines 29-36). Thus, the information is "highlighted" as it is presented in a manner so as to be easily seen and identified by the user. While the icon is not presented large enough to block out the entire display, the basic premise of the invention is that the viewer is to clearly see and be aware of the Internet data.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 7, 10-15, 17-19, 23, 24, 28-32, 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Macrae et al. (Macrae) (WO 98/17064 A1) (of record) in view of Helmy et al. (Helmy) (5,937,329).

As to claim 1, Macrae discloses an apparatus (Fig. 7) for accessing an information service from a television programme service (accessing a web-site from a link embedded in a television signal; page 2, lines 1-12), comprising:

an information service module configured to provide an information service in conjunction with a television program service (page 8, lines 30-37, page 9, lines 28-34 and page 12, line 5-page 13, line 25),

a receiver configured to receive an acceptance signal (microprocessor, 24) related to the information service from a display controller (user choosing to access the website transmitted within the VBI; page 9, line 35-page 10, line 3); and

a display module configured to provide the information service for display (VBI received content, such as URLs; page 9, line 35-page 10, line 3 and page 8, lines 14-19) in response to the acceptance signal (page 9, line 35-page 10, line 3).

the link information being associated with predefined content of the information service (associated with a particular internet URL transmitted *within the VBI*; page 8, lines 30-37 and page 9, lines 17-19).

While Macrae discloses identifying the link information for display during the television program service (page 5, lines 1-14) in response to detection of a code identifying link information for display during the television program service (page 5, lines 1-5 and page 8, line 30-page 9, line 16), he fails to specifically receiving a user

preference not to display the information service during the display of the television program service and overriding the user preference.

In an analogous art, Helmy discloses a television receiver for receiving and display an information service overlaid onto the video signal (messages; column 2, lines 9-17) wherein a user may enter a preference to not display the information service (column 5, lines 16-21 and lines 38-44) and wherein the system will override the user preference to display additional data (column 5, lines 20-27) for the typical benefit of providing the user more control over their television viewing (column 5, lines 16-27 and 38-44) while ensuring that user is still presented with important information (column 5, lines 16-27).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Macrae's system to include receiving a user preference not to display the information service during the display of the television program service and overriding the user preference, as taught in combination with Helmy, for the typical benefit of enabling the viewer more control over whether their television viewing is interrupted while still ensuring that user is aware of important information.

As to claim 2, Macrae and Helmy disclose wherein the acceptance signal corresponds to a set of keystrokes on the display controller (see Macrae at page 9, line 35-page 10, line 3).

As to claim 3, Macrae and Helmy disclose wherein the keystroke set comprises less than four keystrokes (user just pressed one button; see Macrae at page 9, line 35-page 10, line 3).

As to claim 4, Macrae and Helmy disclose wherein the keystroke set comprises a single keystroke (user just pressed one button; see Macrae at page 9, line 35-page 10, line 3).

As to claim 7, Macrae and Helmy disclose wherein the information service module is configured to distinguish link information from information which does not comprise a link to the information service (separating the link from the VBI; see Macrae at page 9, lines 8-16).

As to claim 12, Macrae discloses method comprising:  
providing an information service in conjunction with a television program service (page 8, lines 30-37 and page 9, lines 28-34),  
receiving an acceptance signal related to the information service (microprocessor, 24) from a display controller (user choosing to access the site transmitted within the VBI; page 9, line 35-page 10, line 3); and  
providing the information service for display (VBI content; page 9, line 35-page 10, line 3 and page 8, lines 14-19) in response to the acceptance signal (page 9, line 35-page 10, line 3), the information service including link information associated with

predefined content of the information service (associated with a particular internet URL transmitted *within the VBI*; page 8, lines 30-37 and page 9, lines 17-19).

While Macrae discloses identifying the link information for display during the television program service (page 5, lines 1-14) in response to detection of a code identifying link information for display during the television program service (page 5, lines 1-5 and page 8, line 30-page 9, line 16), he fails to specifically receiving a user preference not to display the information service during the display of the television program service and overriding the user preference.

In an analogous art, Helmy discloses a television receiver for receiving and display an information service overlaid onto the video signal (messages; column 2, lines 9-17) wherein a user may enter a preference to not display the information service (column 5, lines 16-21 and lines 38-44) and wherein the system will override the user preference to display additional data (column 5, lines 20-27) for the typical benefit of providing the user more control over their television viewing (column 5, lines 16-27 and 38-44) while ensuring that user is still presented with important information (column 5, lines 16-27).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Macrae's system to include receiving a user preference not to display the information service during the display of the television program service and overriding the user preference, as taught in combination with Helmy, for the typical benefit of enabling the viewer more control over whether their television viewing is interrupted while still ensuring that user is aware of important information.



As to claim 13, Macrae and Helmy disclose wherein the acceptance signal corresponds to a set of keystrokes on the display controller (see Macrae at page 9, line 35-page 10, line 3).

As to claim 14, Macrae and Helmy disclose wherein the keystroke set comprises less than four keystrokes (user just pressed one button; see Macrae at page 9, line 35-page 10, line 3).

As to claim 15, Macrae and Helmy disclose wherein the keystroke set comprises a single keystroke (user just pressed one button; see Macrae at page 9, line 35-page 10, line 3).

As to claim 17, Macrae and Helmy disclose highlighting the link information to be displayed (prominently displayed an icon indicating to the user the presence of the link information; see Macrae at Fig. 2).

As to claim 23, Macrae discloses a computer readable medium containing a program, which when executed by a processor (processor, 24; page 4, lines 10-15) enables access to an information service from a television programme service (accessing a web-site from a link embedded in the VBI; page 2, lines 1-12), wherein the program implements a method comprising: receiving an acceptance signal related to

the information service (user choosing to access the site received from the VBI; page 9, line 35-page 10, line 3), providing the link information for display (page 8, lines 30-37 and page 9, lines 28-34) and providing the information service for display (page 9, line 35-page 10, line 3 and page 8, lines 14-19) in response to the acceptance signal (page 9, line 35-page 10, line 3), the link information being associated with predefined content of the information service (associated with a particular internet URL transmitted *within the VBI*; page 8, lines 30-37 and page 9, lines 17-19).

While Macrae discloses identifying the link information for display during the television program service (page 5, lines 1-14) in response to detection of a code identifying link information for display during the television program service (page 5, lines 1-5 and page 8, line 30-page 9, line 16), he fails to specifically receiving a user preference not to display the information service during the display of the television program service and overriding the user preference.

In an analogous art, Helmy discloses a television receiver for receiving and display an information service overlaid onto the video signal (messages; column 2, lines 9-17) wherein a user may enter a preference to not display the information service (column 5, lines 16-21 and lines 38-44) and wherein the system will override the user preference to display additional data (column 5, lines 20-27) for the typical benefit of providing the user more control over their television viewing (column 5, lines 16-27 and 38-44) while ensuring that user is still presented with important information (column 5, lines 16-27).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Macrae's system to include receiving a user preference not to display the information service during the display of the television program service and overriding the user preference, as taught in combination with Helmy, for the typical benefit of enabling the viewer more control over whether their television viewing is interrupted while still ensuring that user is aware of important information.

As to claim 37, Macrae and Helmy disclose a computer readable medium (see Macrae at Fig. 7) according to claim 23 (see claim 23 above), the program further configured to configured for performing the step of scanning data received from the television program service for link information (see Macrae at page 5, lines 1-5).

As to claim 39, Macrae discloses an apparatus (Fig. 7) comprising:

- means for providing an information service in conjunction with a television program service (page 8, lines 30-37 and page 9, lines 28-34),
- means for receiving an acceptance signal (microprocessor, 24) related to the information service (user choosing to access the site; page 9, line 35-page 10, line 3);
- and
- means for providing the information service for display (page 9, line 35-page 10, line 3 and page 8, lines 14-19) in response to the acceptance signal (page 9, line 35-page 10, line 3), the link information being associated with predefined content of the

information service (associated with a particular internet site; page 8, lines 30-37 and page 9, lines 17-19).

While Macrae discloses identifying the link information for display during the television program service (page 5, lines 1-14) in response to detection of a code identifying link information for display during the television program service (page 5, lines 1-5 and page 8, line 30-page 9, line 16), he fails to specifically receiving a user preference not to display the information service during the display of the television program service and overriding the user preference.

In an analogous art, Helmy discloses a television receiver for receiving and display an information service overlaid onto the video signal (messages; column 2, lines 9-17) wherein a user may enter a preference to not display the information service (column 5, lines 16-21 and lines 38-44) and wherein the system will override the user preference to display additional data (column 5, lines 20-27) for the typical benefit of providing the user more control over their television viewing (column 5, lines 16-27 and 38-44) while ensuring that user is still presented with important information (column 5, lines 16-27).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Macrae's system to include receiving a user preference not to display the information service during the display of the television program service and overriding the user preference, as taught in combination with Helmy, for the typical benefit of enabling the viewer more control over whether their television viewing is interrupted while still ensuring that user is aware of important information.

As to claim 24, Macrae and Helmy disclose a computer readable medium containing a program (operating program controlling the system; see Macrae at page 4, lines 10-15) for performing the method of claim 12 (as indicated in the rejection of claim 12) when the program is run by a processor (processor, 24).

As to claim 10, while Macrae and Helmy disclose an information service (transmitted within the VBI), they fail to specifically disclose teletext.

The Examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant for a television system to utilize the established method of teletext, comprising pages of information associated with broadcast program, typically within the VBI of the program, for the typical benefit of utilizing a well-known established method of providing additional information about a broadcast program.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Macrae and Helmy's system to include teletext for the typical benefit of utilizing a well-known established method of providing additional information about a broadcast program.

As to claim 11, while Macrae and Helmy disclose a television programme service, they fail to specifically disclose the digital video broadcasting standard.

The Examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant for a television system to utilize the digital video

broadcasting standard, created by an industry-led consortium of over 270 broadcasters, manufacturers, network operators, software developers, regulatory bodies and others in over 35 countries committed to designing global standards for the global delivery of digital television and data services, for the typical benefit of conforming with a widely accepted television broadcasting standard.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Macrae and Helmy's system to include the digital video broadcasting standard for the typical benefit of utilizing a well-known established method of providing additional information about a broadcast program.

As to claim 18, while Macrae and Helmy disclose highlighting the link information to be displayed, they fail to specifically disclose causing the link information to flash periodically when displayed.

The Examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to cause displayed information to flash or "blink", thereby grabbing the viewer's attention, for the typical benefit of ensuring that a viewer will easily notice the displayed information.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Macrae and Helmy's system to include causing the link information to flash periodically when displayed for the typical benefit of ensuring that a viewer will easily notice the displayed information.

As to claim 19, while Macrae and Helmy disclose link information (web page URL), they fail to specifically disclose wherein the link information comprises a page number.

The Examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant for a web site's URL to include a page number, such as when a particular web-site is made up of a plurality of different pages, for the typical benefit of distinguishing between multiple pages on a website.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Macrae and Helmy's system to include wherein the link information comprises a page number for the typical benefit of distinguishing between multiple pages on a website.

As to claims 28 and 32, Macrae and Helmy disclose a scanner configured to scan data received from the television program service for link information (VBI decoder 35 stripping out any internet data in the VBI; see Macrae at page 5, lines 1-5).

As to claim 29, Macrae and Helmy disclose at least one processor for processing the DVB service (controlling the device; see Macrae at page 4, lines 10-14).

As to claim 30, Macrae and Helmy disclose at least one processor for processing the information service and link information (see Macrae at page 4, line 10-page 5, line 15).

As to claim 31, Macrae and Helmy disclose memory for storing the predefined content of the information service (see Macrae at page 6, lines 1-10).

6. Claims 5, 6, 8, 9, 16, 20-22 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Macrae and Helmy and further in view of Bendinelli.

As to claim 5 and 38, while Macrae and Helmy disclose wherein said information service module is configured to insert the link information (see Macrae at page 4, lines 36-38), they fail to specifically disclose inserting the link information into a subtitle line.

In an analogous art, Bendinelli discloses a television distribution system (Fig. 3) which transmits television programming to a user (Fig. 3; column 5, lines 7-17) and link information (URL's) which are embedded into the television closed captioning (column 3, lines 36-53 and column 5, lines 7-17) for the typical benefit of allowing link information to be received and displayed through a typical television closed captioning line (column 3, lines 36-53).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Macrae and Helmy's system to include inserting the link information into a subtitle line, as taught by Bendinelli, for the typical benefit of allowing link information to be received and displayed through a typical television closed captioning line.



As to claim 6, Macrae, Helmy and Bendinelli disclose means for highlighting the link information (displayed icon clearly indicating to the user the presence of the link information; see Macrae at Fig. 2, page 9, lines 28-36 and page 10, lines 1-3).

As to claim 16, while Macrae and Helmy disclose providing the link information, they fail to specifically disclose providing the link information for display as a subtitle during the television programme service.

In an analogous art, Bendinelli discloses a television distribution system (Fig. 3) which transmits television programming to a user (Fig. 3; column 5, lines 7-17) and link information (URL's) which are embedded into the television closed captioning (column 3, lines 36-53 and column 5, lines 7-17) and then displayed during the television program as normal closed captioning text (column 3, lines 36-53) for the typical benefit of allowing link information to be received and displayed through a typical television closed caption line (column 3, lines 36-53).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Macrae and Helmy's system to include inserting the link information into a subtitle line, as taught by Bendinelli, for the typical benefit of allowing link information to be received and displayed through a typical television closed caption line.

As to claims 8 and 20, while Macrae and Helmy disclose wherein the information service is configured to distinguish the link information, fail to specifically disclose an

identification tag for distinguishing the link information from information which does not comprise a link.

In an analogous art, Bendinelli discloses a television distribution system (Fig. 3) which transmits television programming to a user (Fig. 3; column 5, lines 7-17) and link information (URL's) which are embedded into the television closed captioning (column 3, lines 36-53 and column 5, lines 7-17) and then displayed during the television program as normal closed captioning text (column 3, lines 36-53) wherein the link information includes identifying tags (brackets or other characters; column 3, lines 37-42) which is recognized to identify link (column 3, lines 37-42) for the typical benefit of allowing link information to be easily identified and utilized by the receiver (column 3, lines 36-53).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Macrae and Helmy's system to include an identification tag for distinguishing the link information from information which does not comprise a link, as taught by Bendinelli, for the typical benefit of allowing link information to be easily identified and utilized by the receiver.

As to claim 9, Macrae, Helmy and Bendinelli disclose wherein the information service module is arranged to display the link information in response to detection of a tag (see Macrae at page 5, lines 1-14 and Bendinelli at column 3, lines 36-42).

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As to claim 21, Macrae, Helmy and Bendinelli disclose wherein the tag comprises a non-display character (wherein the characters simply occur before and after the displayed URL to identify it; see Macrae at column 3, lines 36-42).

As to claim 22, Macrae, Helmy and Bendinelli disclose displaying a subtitle line which includes tagged link information (see Bendinelli at column 3, lines 36-53).

### ***Conclusion***

7. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

### **Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Typed or printed name of person signing this certificate:

\_\_\_\_\_

Signature: \_\_\_\_\_

Registration Number: \_\_\_\_\_

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES SHELEHEDA whose telephone number is (571)272-7357. The examiner can normally be reached on Monday - Friday, 9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James Sheleheda  
Examiner, Art Unit 2623

JS

/Chris Kelley/  
Supervisory Patent Examiner, Art Unit 2623